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FEE EXEMPT – GOV. CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ADRIAN RISKIN	)	CASE NO. 19STCP00302
	)	
<i>Petitioner,</i>	)	RESPONDENT’S ANSWER TO VERIFIED
vs.	)	PETITION FOR WRIT OF MANDATE,
	)	COMPLAINT FOR DECLARATORY
CITY OF LOS ANGELES, LOS ANGELES	)	RELIEF
	)	
POLICE DEPARTMENT,	)	TSC: 05/09/2019
	)	Time: 1:30 p.m.
Respondent.	)	Dept.: 82
	)	

Respondent CITY OF LOS ANGELES, LOS ANGELES POLICE DEPARTMENT (LAPD) hereby answers the Verified Petition for Writ of Mandate, Complaint for Declaratory Relief by admitting, denying, and affirmatively alleging as follows:

1. Answering the allegations in Paragraph 1, Respondent admits that Petitioner has filed the present writ action against Respondent under the California Public Records Act (CPRA) involving two separate public records requests. Respondent further admits that “Private Person Arrest Statement Forms” is a type of document used by LAPD which contain information about arrests made by private persons. Respondent additionally admits that the “Regional Public Private Infrastructure Collaboration System” (RPPICS) is a web portal used by LAPD. The remaining allegations in Paragraph 1 constitute conclusions of law to which no response is required. To the

1 extent any of the remaining allegations in Paragraph 1 are deemed to be allegations of fact,
2 Respondent lacks sufficient information and belief with which to admit or deny the allegations, and
3 on that basis denies them.

4 2. Answering the allegations in Paragraph 2, Respondent lacks sufficient information and
5 belief with which to deny or admit the allegations concerning that “private person’s arrests” largely
6 involve “business improvement districts” and others acting on behalf of commercial interests, and on
7 that basis denies the allegations. The remaining allegations in Paragraph 2 constitute conclusions of
8 law to which no response is required. To the extent any of the remaining allegations in Paragraph 2
9 are deemed to be allegations of fact, Respondent denies them.

10 3. Answering the allegations in Paragraph 3, Respondent lacks sufficient information and
11 belief with which to deny or admit the allegations concerning the nature of RPPICS postings and how
12 they are being used to impact certain communities, and on that basis denies that allegation. The
13 remaining allegations in Paragraph 3 constitute conclusions of law to which no response is required.
14 To the extent any of the remaining allegations in Paragraph 3 are deemed to be allegations of fact,
15 Respondent denies them.

16 4. Answering the allegations in Paragraph 4, Respondent admits that Petitioner is seeking
17 a writ of mandate and declaratory relief to order disclosure of the requested records at issue. The
18 remaining allegations in Paragraph 4 are conclusions of law to which no response is required. To the
19 extent any of the remaining allegations in Paragraph 4 are deemed to be allegations of fact,
20 Respondent denies them.

21 5. Answering the allegations in Paragraph 5, Respondent admits the allegations.

22 6. Answering the allegations in Paragraph 6, Respondent admits the allegations.

23 7. Answering the allegations in Paragraph 7, Respondent admits Petitioner is a member
24 of the public within the meaning of Cal. Govt. Code, §§ 6252(b)-(c). Respondent lacks sufficient
25 information and belief with which to admit or deny the allegations concerning Petitioner’s domicile,
26 credentials, and activities and motivations as it relates to public records requests, and on that basis
27 denies the allegations. As to the remaining allegations in Paragraph 7, Respondent denies them.

28 8. Answering the allegations in Paragraph 8, Respondent admits the allegations.

1 9. Answering the allegations in Paragraph 9, Respondent admits that a request for
2 documents was made via the City of Los Angeles' NextRequest public records web portal on or
3 about May 16, 2018, and that the request was identified as #18-1109 (the First Request). Respondent
4 further admits that the requester used the email handle, ammoncarver@aol.com, in submitting the
5 First Request. Respondent also admits that Exhibit A, attached to the Petition, is a fair and accurate
6 representation of the First Request. Respondent lacks sufficient information and belief with which to
7 admit or deny the allegation that it was Petitioner who submitted the First Request, and on that basis
8 denies the allegation. To the extent Petitioner purports to characterize and/or quote some of the
9 contents of the First Request, Respondent avers that the submitted request, Exhibit A, speaks for
10 itself.

11 10. Answering the allegations in Paragraph 10, Respondent admits that the LAPD
12 Department Manual contains policies and procedures that govern incidents involving arrests by
13 private persons. Respondent further admits that the Department Manual instructs officers to use the
14 "Private Person's Arrest Form," Form 5.02.10, when an officer accepts an arrested person from a
15 private person. To the extent Petitioner purports to characterize and/or quote some of the contents in
16 the LAPD Department Manual, Respondents avers that the Manual speaks for itself. Respondent
17 admits that Exhibit B, attached to the Petition, is a fair and accurate representation of a portion of the
18 LAPD Department Manual that governs "private person's arrests." To the extent the remaining
19 allegations in Paragraph 10 are deemed to be allegations of fact, Respondent denies them.

20 11. Answering the allegations in Paragraph 11, Respondent admits that the "Private
21 Person's Arrest Statement Form" has spaces for documenting certain information such as the offense
22 alleged to have occurred, the time and location of the alleged violation, and contact information of
23 the arresting person. Respondent lacks sufficient information and belief with which to admit or deny
24 the fairness and accuracy of Exhibit C attached to the Petition as it pertains to represent the contents
25 of a specific "Private Person's Arrest Statement Form" and what it permits an arresting citizen to
26 convey, and on that basis denies the allegation. As to the remaining allegations in Paragraph 11,
27 Respondent denies them.

28 12. Answering the allegations in Paragraph 12, Respondent admits that LAPD Discovery

1 Section, via the NextRequest portal, posted a message to the requester, Ammon Carver, on or about
2 June 13, 2018, denying and closing the First Request. Respondent lacks sufficient information and
3 belief with which to admit or deny the allegation that it was Petitioner's request that was denied and
4 closed, and on that basis denies the allegation. Respondent further admits that Exhibit D is a fair and
5 accurate representation of the posted message. To the extent Petitioner purports to characterize
6 and/or quote some of the contents of LAPD Discovery Section's message, Respondent avers that the
7 message, Exhibit D, speaks for itself. As to the remaining allegations in Paragraph 12, Respondent
8 denies them.

9 13. Answering the allegations in Paragraph 13, to the extent Petitioner purports to
10 characterize and/or quote some of the contents of LAPD Discovery Section's message on June 13,
11 2018, Respondent avers that the message, Exhibit D, speaks for itself. To the extent any of the
12 remaining allegations in Paragraph 13 are deemed to be allegations of fact, Respondent denies them.

13 14. Answering the allegations in Paragraph 14, Respondent admits that the requester,
14 Ammon Carver, posted a message via the NextRequest portal on or about June 13, 2018 regarding
15 the denial of the First Request. Respondent lacks sufficient information and belief with which to
16 admit or deny the allegation that it was Petitioner who posted the message, and on that basis denies
17 the allegation. Respondent further admits that Exhibit E is a fair and accurate representation of that
18 message. To the extent Petitioner purports to characterize and/or quote some of the contents of that
19 message, Respondent avers that the message, Exhibit E, speaks for itself. As to the remaining
20 allegations in Paragraph 14, Respondent denies them.

21 15. Answering the allegations in Paragraph 15, Respondent admits that between June 14,
22 2018 and August 16, 2018, LAPD Discovery Section did not post any communications via the
23 NextRequest portal regarding the First Request. Respondent lacks sufficient information and belief
24 with which to admit or deny the allegation that it was Petitioner who did not receive a response from
25 LAPD Discovery Section between June 14, 2018 and August 16, 2018 regarding the First Response,
26 and on that basis denies the allegation. Respondent further admits that the requester, Ammon Carver,
27 emailed directly a representative of LAPD Discovery Section outside the NextRequest portal on or
28 about July 9, 2018 regarding the First Reponse. Respondent lacks sufficient information and belief

1 with which to admit or deny the allegation that it was Petitioner who emailed directly a representative
2 of LAPD Discovery Section outside the NextRequest portal on or about July 9, 2018 regarding the
3 First Request, and on that basis denies the allegation. Respondent additionally admits that Exhibit F,
4 attached to the Petition, is a fair and accurate representation of that email. To the extent Petitioner
5 purports to characterize and/or quote some of the contents of that email, Respondent avers that the
6 email, Exhibit F, speaks for itself.

7 16. Answering the allegations in Paragraph 16, Respondent admits that on or about
8 August 17, 2018, LAPD's Discovery Section posted a message to the requester, Ammon Carver, via
9 the NextRequest portal regarding the First Request. Respondent lacks sufficient information and
10 belief with which to admit or deny the allegation that the posted message was to Petitioner, and on
11 that basis denies the allegation. Respondent further admits that Exhibit G, attached to the Petition, is
12 a fair and accurate representation of that communication. To the extent Petitioner purports to
13 characterize and/or quote some of the contents of that message, Respondent avers that the
14 communication, Exhibit G, speaks for itself. As to the remaining allegations in Paragraph 16,
15 Respondent denies them.

16 17. Answering the allegations in Paragraph 17, Respondent lacks sufficient information
17 and belief with which to admit or deny the allegation concerning Petitioner's state of mind regarding
18 litigation, and on that basis denies the allegation. Respondent admits that the requester, Ammon
19 Carver, posted a message via the NextRequest portal on or about August 17, 2018 regarding the First
20 Request. Respondent lacks sufficient information and belief with which to admit or deny the
21 allegation that it was Petitioner who posted that message, and on that basis denies the allegation.
22 Respondent further admits that Exhibit H, attached to the Petition, is a fair and accurate
23 representation of that message. To the extent Petitioner purports to characterize and/or quote some of
24 the contents of that message, Respondent avers that the message, Exhibit H, speaks for itself. As to
25 the remaining allegations in Paragraph 17, Respondent denies them.

26 18. Answering the allegations in Paragraph 18, Respondent admits that LAPD Discovery
27 Section did not have any further communication with the requester, Ammon Carver, via the
28 NextRequest web portal regarding the First Request. Respondent further admits that the LAPD

1 Discovery Section did not produce any documents pursuant to the First Request. Respondent lacks
2 sufficient information and belief with which to admit or deny the allegation that it was Petitioner who
3 made the First Request, and on that basis denies the allegation.

4 19. Answering the allegations in Paragraph 19, Respondent admits that a request for
5 documents was made via the City of Los Angeles' NextRequest public records web portal on or
6 about August 31, 2018, and that the request was identified as #18-2311 (the Second Request).
7 Respondent further admits that the requester used the email handle, ammoncarver@aol.com, in
8 submitting the Second Request. Respondent lacks sufficient information and belief with which to
9 admit or deny the allegation that it was Petitioner who submitted the Second Request, and on that
10 basis denies the allegation. Respondent also admits that Exhibit I, attached to the Petition, is a fair
11 and accurate representation of the First Request. To the extent Petitioner purports to characterize
12 and/or quote some of the contents of the First Request, Respondent avers that the submitted request,
13 Exhibit I, speaks for itself.

14 20. Answering the allegations in Paragraph 20, Respondent admits that the "Regional
15 Public Private Infrastructure Collaboration System" (RPPICS) is a web portal used by LAPD. To the
16 extent Petitioner purports to characterize and/or quote a letter composed by the Mayor of Los
17 Angeles to the Los Angeles City Council on August 19, 2013 regarding RPPICS, that letter would
18 speak for itself. As to the remaining allegations in Paragraph 20, Respondent denies them.

19 21. Answering the allegations in Paragraph 21, to the extent Petitioner purports to
20 characterize and/or quote a 2011 article posted by a LADowntownNews.com regarding RPPICS, that
21 article would speak for itself. As to the remaining allegations in Paragraph 21, Respondent denies
22 them.

23 22. Answering the allegations in Paragraph 22, Respondent admits that LAPD
24 electronically shares information to private entities who participate in RPPICS. To the extent
25 Petitioner purports to characterize and/or quote a 2009 blog from BldgBlog.com regarding RPPICS,
26 that blog would speak for itself. As to the remaining allegations in Paragraph 22, Respondent denies
27 them.

28 23. Answering the allegations in Paragraph 23, Respondent admits that LAPD sends email

1 notices when new information is posted on the RPPICS portal. Respondent lacks sufficient
2 information and belief with which to admit or deny the allegation as to what RPPICS bulletins
3 Petitioner has obtained, and on that basis denies the allegation. As to the remaining allegations in
4 Paragraph 23, Respondent denies them. Respondent admits that the RPPICS website login page
5 referenced in Exhibit J, is a fair and accurate representation. Respondent lacks sufficient information
6 and belief with which to admit or deny the fairness and accuracy of the email bulletin referenced in
7 Exhibit J, and on that basis denies the allegation.

8 24. Answering the allegations in Paragraph 24, Respondent admits that LAPD Discovery
9 Section, via the NextRequest portal, posted a message to the requester, Ammon Carver, on or about
10 September 26, 2018, denying the Second Request. Respondent lacks sufficient information and
11 belief with which to admit or deny the allegation that it was Petitioner's request that was denied, and
12 on that basis denies the allegation. Respondent further admits that Exhibit K is a fair and accurate
13 representation of the posted message. To the extent Petitioner purports to characterize and/or quote
14 some of the contents of LAPD Discovery Section's message, Respondent avers that the message,
15 Exhibit K, speaks for itself. As to the remaining allegations in Paragraph 24, Respondent denies
16 them.

17 25. Answering the allegations in Paragraph 25, Respondent lacks sufficient information
18 and belief with which to admit or deny the allegation concerning Petitioner's state of mind regarding
19 litigation, and on that basis denies the allegation. Respondent admits that the requester, Ammon
20 Carver, posted a message via the NextRequest portal on or about September 26, 2018 regarding the
21 Second Request. Respondent lacks sufficient information and belief with which to admit or deny the
22 allegation that it was Petitioner who posted that message, and on that basis denies the allegation.
23 Respondent further admits that Exhibit L, attached to the Petition, is a fair and accurate representation
24 of that message. To the extent Petitioner purports to characterize and/or quote some of the contents
25 of that message, Respondent avers that the message, Exhibit L, speaks for itself. The remaining
26 allegations in Paragraph 25 constitute conclusions of law to which no response is required. To the
27 extent any of the remaining allegations in Paragraph 25 are deemed to be allegations of fact,
28 Respondent denies them.

1 26. Answering the allegations in Paragraph 26, Respondent admits that LAPD Discovery
2 Section did not have any further communication with the requester, Ammon Carver, on the
3 NextRequest web portal regarding the Second Request. Respondent further admits that the LAPD
4 Discovery Section did not produce any documents pursuant to the Second Request. Respondent lacks
5 sufficient information and belief with which to admit or deny the allegation that it was Petitioner who
6 made the Second Request, and on that basis denies the allegation.

7 27. Answering the allegations in Paragraph 27, Respondent incorporates herein by this
8 reference its responses to Paragraphs 1 through 26, inclusive.

9 28. Answering the allegations in Paragraph 28, Respondent avers that those allegations
10 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
11 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
12 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 28 are deemed
13 to be allegations of fact, Respondent denies them.

14 29. Answering the allegations in Paragraph 29, Respondent avers that those allegations
15 constitute conclusions of law to which no response is required. To the extent any of the allegations in
16 Paragraph 29 are deemed to be allegations of fact, Respondent denies them.

17 30. Answering the allegations in Paragraph 30, Respondent incorporates herein by this
18 reference its responses to Paragraphs 1 through 29, inclusive.

19 31. Answering the allegations in Paragraph 31, Respondent avers that those allegations
20 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
21 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
22 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 31 are deemed
23 to be allegations of fact, Respondent denies them.

24 32. Answering the allegations in Paragraph 32, Respondent avers that those allegations
25 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
26 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
27 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 32 are deemed
28 to be allegations of fact, Respondent denies them.

1 33. Answering the allegations in Paragraph 33, Respondent avers that those allegations
2 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
3 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
4 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 33 are deemed
5 to be allegations of fact, Respondent denies them.

6 34. Answering the allegations in Paragraph 34, Respondent avers that those allegations
7 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
8 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
9 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 34 are deemed
10 to be allegations of fact, Respondent denies them.

11 35. Answering the allegations in Paragraph 35, Respondent avers that those allegations
12 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
13 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
14 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 35 are deemed
15 to be allegations of fact, Respondent denies them.

16 36. Answering the allegations in Paragraph 36, Respondent avers that those allegations
17 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
18 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
19 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 36 are deemed
20 to be allegations of fact, Respondent denies them.

21 37. Answering the allegations in Paragraph 37, Respondent avers that those allegations
22 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
23 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
24 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 37 are deemed
25 to be allegations of fact, Respondent denies them.

26 38. Answering the allegations in Paragraph 38, Respondent avers that those allegations
27 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
28 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal

1 authority speaks for itself. Respondent lacks sufficient information and belief with which to admit or
2 deny the allegation that it was Petitioner who submitted the First Request, and on that basis denies
3 them. To the extent any of the remaining allegations in Paragraph 38 are deemed to be allegations of
4 fact, Respondent lacks sufficient information and belief with which to admit or deny those
5 allegations, and on that basis denies them.

6 39. Answering the allegations in Paragraph 39, Respondent avers that those allegations
7 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
8 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
9 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 39 are deemed
10 to be allegations of fact, Respondent lacks sufficient information and belief with which to admit or
11 deny those allegations, and on that basis denies them.

12 40. Answering the allegations in Paragraph 40, Respondent avers that those allegations
13 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
14 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
15 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 40 are deemed
16 to be allegations of fact, Respondent lacks sufficient information and belief with which to admit or
17 deny those allegations, and on that basis denies them.

18 41. Answering the allegations in Paragraph 41, Respondent avers that those allegations
19 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
20 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
21 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 41 are deemed
22 to be allegations of fact, Respondent denies them.

23 42. Answering the allegations in Paragraph 42, Respondent avers that those allegations
24 constitute conclusions of law to which no response is required. To the extent Petitioner purports to
25 characterize and/or quote some of the contents of a statute or case, Respondent avers that the legal
26 authority speaks for itself. To the extent any of the remaining allegations in Paragraph 42 are deemed
27 to be allegations of fact, Respondent denies them.

28 43. Answering the allegations in Paragraph 43, Respondent avers that those allegations

1 constitute conclusions of law to which no response is required. To the extent any of the remaining
2 allegations in Paragraph 43 are deemed to be allegations of fact, Respondent denies them.

3 44. Answering the allegations in Paragraph 44 (erroneously numbered as Paragraph 43),
4 Respondent avers that those allegations constitute conclusions of law to which no response is
5 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
6 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
7 remaining allegations in Paragraph 44 are deemed to be allegations of fact, Respondent denies them.

8 45. Answering the allegations in Paragraph 45 (erroneously numbered as Paragraph 44),
9 Respondent avers that those allegations constitute conclusions of law to which no response is
10 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
11 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
12 remaining allegations in Paragraph 45 are deemed to be allegations of fact, Respondent denies them.

13 46. Answering the allegations in Paragraph 46 (erroneously numbered as Paragraph 45),
14 Respondent avers that those allegations constitute conclusions of law to which no response is
15 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
16 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
17 remaining allegations in Paragraph 46 are deemed to be allegations of fact, Respondent denies them.

18 47. Answering the allegations in Paragraph 47 (erroneously numbered as Paragraph 46),
19 Respondent avers that those allegations constitute conclusions of law to which no response is
20 required. To the extent any of the remaining allegations in Paragraph 47 are deemed to be allegations
21 of fact, Respondent denies them.

22 48. Answering the allegations in Paragraph 48 (erroneously numbered as Paragraph 47),
23 Respondent admits that the "Private Person's Arrest Statement Forms" contain some non-exempt
24 information pursuant to Cal. Govt. Code § 6254(f)(1). As to the remaining allegations, Respondent
25 avers that those allegations constitute conclusions of law to which no response is required. To the
26 extent any of the remaining allegations in Paragraph 48 are deemed to be allegations of fact,
27 Respondent denies them.

28 49. Answering the allegations in Paragraph 49 (erroneously numbered as Paragraph 48),

1 Respondent admits that the “Private Person’s Arrest Statement Forms” contain some non-exempt
2 information pursuant to Cal. Govt. Code § 6254(f)(1). As to the remaining allegations, Respondent
3 avers that those allegations constitute conclusions of law to which no response is required. To the
4 extent any of the remaining allegations in Paragraph 49 are deemed to be allegations of fact,
5 Respondent denies them.

6 50. Answering the allegations in Paragraph 50 (erroneously numbered as Paragraph 49),
7 Respondent avers that those allegations constitute conclusions of law to which no response is
8 required. To the extent any of the remaining allegations in Paragraph 50 are deemed to be allegations
9 of fact, Respondent denies them.

10 51. Answering the allegations in Paragraph 51 (erroneously numbered as Paragraph 50),
11 Respondent avers that those allegations constitute conclusions of law to which no response is
12 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
13 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
14 remaining allegations in Paragraph 51 are deemed to be allegations of fact, Respondent denies them.

15 52. Answering the allegations in Paragraph 52 (erroneously numbered as Paragraph 51),
16 Respondent avers that those allegations constitute conclusions of law to which no response is
17 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
18 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
19 remaining allegations in Paragraph 52 are deemed to be allegations of fact, Respondent lacks
20 sufficient information and belief with which to admit or deny those allegations, and on that basis
21 denies them.

22 53. Answering the allegations in Paragraph 53 (erroneously numbered as Paragraph 52),
23 Respondent avers that those allegations constitute conclusions of law to which no response is
24 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
25 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
26 remaining allegations in Paragraph 53 are deemed to be allegations of fact, Respondent denies them.

27 54. Answering the allegations in Paragraph 54 (erroneously numbered as Paragraph 53),
28 Respondent avers that those allegations constitute conclusions of law to which no response is

1 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
2 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
3 remaining allegations in Paragraph 54 are deemed to be allegations of fact, Respondent lacks
4 sufficient information and belief with which to admit or deny those allegations, and on that basis
5 denies them.

6 55. Answering the allegations in Paragraph 55 (erroneously numbered as Paragraph 54),
7 Respondent avers that those allegations constitute conclusions of law to which no response is
8 required. To the extent any of the remaining allegations in Paragraph 55 are deemed to be allegations
9 of fact, Respondent denies them.

10 56. Answering the allegations in Paragraph 56 (erroneously numbered as Paragraph 55),
11 Respondent avers that those allegations constitute conclusions of law to which no response is
12 required. To the extent any of the remaining allegations in Paragraph 56 are deemed to be allegations
13 of fact, Respondent denies them.

14 57. Answering the allegations in Paragraph 57 (erroneously numbered as Paragraph 56),
15 Respondent avers that those allegations constitute conclusions of law to which no response is
16 required. To the extent Petitioner purports to characterize and/or quote some of the contents of a
17 statute or case, Respondent avers that the legal authority speaks for itself. To the extent any of the
18 remaining allegations in Paragraph 57 are deemed to be allegations of fact, Respondent denies them.

19 58. Answering the allegations in Paragraph 58 (erroneously numbered as Paragraph 57),
20 Respondent admits there are no administrative exhaustion requirements under Cal. Govt. Code, §
21 6250, *et seq.* As to the remaining allegations, Respondent avers that those allegations constitute
22 conclusions of law to which no response is required. To the extent any of the remaining allegations
23 in Paragraph 58 are deemed to be allegations of fact, Respondent lacks sufficient information and
24 belief with which to admit or deny those allegations, and on that basis denies them.

25 59. Answering the allegations in Paragraph 59 (erroneously numbered as Paragraph 58),
26 Respondent avers that those allegations constitute conclusions of law to which no response is
27 required. To the extent any of the remaining allegations in Paragraph 59 are deemed to be allegations
28 of fact, Respondent lacks sufficient information and belief with which to admit or deny those

1 allegations, and on that basis denies them.

2
3 **AFFIRMATIVE DEFENSES**

4 **FIRST AFFIRMATIVE DEFENSE**

5 As a first affirmative defense to the Petition, Respondent alleges that at all times relevant hereto,
6 Respondent acted in full compliance with all applicable federal, state and local laws and regulations.

7
8 **SECOND AFFIRMATIVE DEFENSE**

9 As a second and separate affirmative defense to the Petition, Respondent alleges that Petitioner,
10 who did not make either of the two CPRA requests at issue in this matter, lacks standing to institute
11 judicial proceedings under Cal. Govt. Code, §§ 6258 and 6259 to enforce CPRA requests made by a
12 different person, in this case, Ammon Carver.

13
14 **THIRD AFFIRMATIVE DEFENSE**

15 As a third and separate affirmative defense to the Petition, Respondent alleges that some of
16 the records sought by Petitioner are exempt from disclosure under the law enforcement investigatory
17 and security records exemption pursuant to Cal. Govt. Code § 6254(f).

18
19 **FOURTH AFFIRMATIVE DEFENSE**

20 As a fourth and separate affirmative defense to the Petition, Respondent alleges that some of
21 the records sought by Petitioner are exempt from disclosure as privileged official information
22 pursuant to Cal. Govt. Code §§ 6254(k), 6276.32, and Cal. Evid. Code § 1040.

23
24 **FIFTH AFFIRMATIVE DEFENSE**

25 As a fifth and separate affirmative defense to the Petition, Respondent alleges that some of the
26 records sought by Petitioner are exempt from disclosure as records “the disclosure of which would
27 constitute an unwarranted invasion of privacy” pursuant to Cal. Govt. Code, § 6254(c).

1 **SIXTH AFFIRMATIVE DEFENSE**

2 As a sixth and separate affirmative defense to the Petition, Respondent alleges that the records
3 sought by Petitioner, if found to be public records, are exempt from disclosure under the public
4 interest exemption of Cal. Govt. Code § 6255(a) as unduly burdensome.

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6 ///

7 ///

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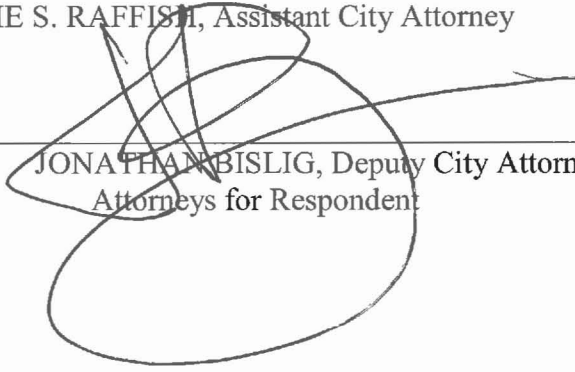
9 WHEREFORE, RESPONDENT PRAYS FOR JUDGMENT AS FOLLOWS:

- 10 1. That the Petition be denied, and judgment be entered in favor of Respondent;
11 2. That Petitioner take nothing by this Petition;
12 3. For costs of suit; and
13 4. For such other and further relief as the court may deem just and proper.

14
15 DATED: May 9, 2019

Respectfully submitted,

16 MICHAEL N. FEUER, City Attorney
17 CARLOS DE LA GUERRA, Managing Assistant City Attorney
18 JULIE S. RAFFISH, Assistant City Attorney

19 By: 
20 JONATHAN BISLIG, Deputy City Attorney
21 Attorneys for Respondent
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23
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1 **PROOF OF SERVICE (VIA VARIOUS METHODS)**

2
3 I, the undersigned, say: I am over the age of 18 years and not a party to the within action
4 or proceeding. My business address is 701 City Hall East, 200 North Main Street, Los Angeles,
California 90012.

5 On March 8, 2019, I served the foregoing documents described as **RESPONDENT'S ANSWER TO**
6 **VERIFIED PETITION FOR WRIT OF MANDATE, COMPLAINT FOR DECLARATORY RELIEF** on all
interested parties in this action by placing copies thereof enclosed in a sealed envelope addressed as follows:

7 ABENICIO CISNEROS
8 2443 Fillmore Street #380-7379
9 San Francisco, CA 94115
10 acisneros@capublicrecordslaw.com
11 *Attorney for Petitioner and Plaintiff*

12 ☒ **BY MAIL** - I deposited such envelope in the mail at Los Angeles, California, with first class postage
13 thereon fully prepaid. I am readily familiar with the business practice for collection and processing of
14 correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same
15 day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served,
16 service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date
17 of deposit for mailing in affidavit.

18 ☒ **BY ELECTRONIC MAIL** - I transmitted via EMAIL the document(s) listed above to the parties set
19 forth above on this date.

20 ☐ **BY PERSONAL SERVICE** - () I delivered by hand, or () I caused to be delivered via messenger
21 service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified
22 above.

23 ☐ **BY FACSIMILE TRANSMISSION** - I Caused the document to be transmitted to the offices of the
24 addressee via facsimile machine at telephone number on the date and time specified on the Transmission Report.
25 The document was sent by fax from telephone number (213) 978-8216 and the transmission was reported complete
26 and without error. A true copy of the Transmission Report is attached to the mailed or personal or both proof(s) of
27 service.

28 ☐ **BY OVERNIGHT COURIER** - I deposited such envelope in a regularly maintained overnight courier
parcel receptacle prior to the time listed thereon for pick up. Hand delivery was guaranteed by the next business
day.

I declare under penalty of perjury under the laws of the State of California that the above is true and
correct. Executed on March 8, 2019, at Los Angeles, California.

25
26 
LANCE PORTER